

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JANE DOE 1-4,

Plaintiffs,

v.

RED ROOF INNS, INC., *et al.*

Defendants.

Civil Action File No.

1:21-cv-04278-WMR

**JOINT MOTION TO DISMISS THE REMAINING CLAIMS AGAINST
DEFENDANT VARAHI HOTEL, LLC WITH PREJUDICE**

Plaintiffs Jane Doe 1 and Jane Doe 2¹ and Defendant Varahi Hotel, LLC have reached an agreement to resolve all of these Plaintiffs' claims against Varahi with prejudice. Accordingly, Jane Doe 1, Jane Doe 2, and Varahi request that the Court enter the attached Order dismissing those claims with prejudice.²

Respectfully submitted this 29th day of August 2023.

Signatures on following page

¹ Plaintiffs Jane Doe 3 and Jane Doe 4 are not asserting claims against Varahi in this matter. Thus, the dismissal of the claims of Jane Doe 1 and Jane Doe 2 against Varahi will effectuate a complete dismissal of all remaining claims against that Defendant and will remove it from this suit.

² The parties seek a Court Order effectuating the dismissal of Varahi from this suit because, as the Court knows and the 11th Circuit has recently reaffirmed, the parties may not effectuate a final dismissal of only the claims against Varahi on their own by use of Rule 41. See *In re Esteve*, 60 F.4th 664, 677 (11th Cir. 2023) ("Rule 41(a) does not permit plaintiffs to pick and choose, dismissing only particular claims within an action."); *Rosell v. VMSB, Ltd. Liab. Co.*, 67 F.4th 1141, 1144 (11th Cir. 2023) ("[A] Rule 41(a)(2) dismissal can only be for an entire action, and not an individual claim."). Therefore, Movants respectfully request that the Court enter the attached Order which will dismiss of remaining claims against Varahi with prejudice via Rule 21.

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Counsel for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the foregoing *Joint Motion to Dismiss the Remaining Claims Against Defendant Varahi Hotel, LLC With Prejudice* with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification and provide access to an electronic copy of the filing to all counsel of record.

This 29th day of August 2023.

/s/ C. Shane Keith
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